

REMARKS

Claims 1-17 and 20-22 are pending the above-identified patent application. In the Office Action transmitted on February 24, 2010, the PTO rejected Claims 12-17 and 20-22. In response to the Office Action, Applicants have cancelled Claims 17 and 21 without prejudice to further prosecution. Claim 12 has been amended to clarify that “M” refers to a counter ion. Support for the amendment to Claim 12 can be found, for example, in Paragraph [0029] of the published version of the specification. Claims 13, 14, and 20 have also been amended to replace the term “providing” with “administering” as suggested by the PTO. Support for the amendments to Claims 13, 14, and 20 can be found, for example, at Paragraphs [0013], [0019] through [0022], and [0062] of the published patent application.. Finally, the Abstract was objected to for being too long. As suggested by the PTO, Applicants have replaced the abstract with the description at page 1, lines 4-8 of the specification. No new matter has been added. Claims 12-16 and 20-22 are presented for examination.

Regarding the Claim Rejections Under 35 U.S.C. §112, first paragraph

Claims 17 and 21 were rejected under 35 U.S.C. §112, first paragraph as failing to comply with the written description requirement. Without necessarily agreeing with the position espoused by the PTO and solely in the interest of advancing prosecution of the present application to prompt allowance, Applicants have cancelled Claims 17 and 21 without prejudice to further prosecution. Applicants submit that the cancellation of Claims 17 and 21 render the rejections under 35 U.S.C. §112, first paragraph moot.

Regarding the Claim Rejections Under 35 U.S.C. §112, second paragraph

Claim 12 was rejected under 35 U.S.C. §112, second paragraph as being indefinite because the term “M” at line 11 of Claim 12 was not properly defined. Claim 12 has been amended to clarify that “M” refers to counter ions. As set forth above, the amendment to Claim 12 is fully supported by the specification, adds no new matter, and possesses the requisite definiteness in conformance with 35 U.S.C. §112, second paragraph. Claims 13-14, 17, and 20 were rejected under 35 U.S.C. §112, second paragraph because, according to the PTO, a method of use claim must necessarily be administered. As suggested by the PTO, Applicants have replaced “providing” with “administering.”

Application No.: 10/583,829
Filing Date: April 5, 2007

Regarding the Abstract

The abstract was objected to for being too long. The PTO suggested a new abstract consisting of lines 4-8, page 1 of the specification. Applicants have amended the Abstract as proposed by the PTO, thereby overcoming the objection.

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

CONCLUSION

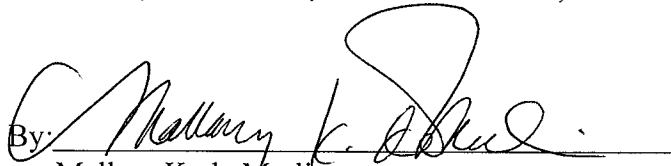
In view of the foregoing, Applicants submit that the claims are in condition for allowance. Should there be any questions concerning this application, the Examiner is respectfully invited to contact the undersigned at the telephone number appearing below.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: May 24, 2010

By: 
Mallery K. de Merlier
Registration No. 51,609
Attorney of Record
Customer No. 20995
(619) 235-8550